

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks are respectfully requested.

Claims 1-14 are pending in the present application with Claims 1, 8 and 14 as independent claims. In the Office Action, the Examiner rejected the claims as follows. Claims 1-5, 8-10 and 12-13 are rejected under 35 U.S.C. §102(e) as being anticipated by Myllymaki et al. (US 6,018,646) in view of Miyazaki (US 5,081,713).

It is gratefully acknowledged that Claim 14 is allowed and Claims 6, 7 and 11 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Myllymaki discloses a system, which measures the power transmitted by the mobile communication device and the reflected power returning from the antenna. From these, the system calculates various parameters, for example, the short-term average value, the cumulative sum of transmitted power used during a call and the proportion of power reflected back. The user may set the limit values, which he requires for these parameters, and the system will issue an alarm when these are exceeded. (See Abstract).

As a preliminary matter, Applicant notes that the Examiner asserted a §102(e) rejection, but expressed the rejection as a §103 rejection. Applicant respectfully requests clarification but in order to provide a complete response to the Office Action, Applicant treats the rejection as a §103 rejection.

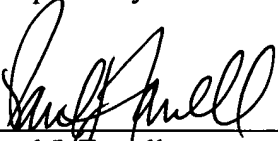
In rejecting Claims 1 and 8, the Examiner noted "if the user chose to set a minimum level, that would correspond to the claimed 'safe mode' while if the user chose to set it higher that would correspond to the claimed 'normal mode.'" (See Office Action pp. 4 and 5). Applicant believes the Examiner is incorrect. The present invention is based on the assumption that the

SAR control mode is classified into a normal mode and a SAR safe mode. However, it should be noted that the SAR safe mode can be subdivided into a plurality of sub-modes according to the degree of SAR attenuation. (See specification page 5, lines 22-25.) The Examiner's assertion is incorrect because in an intermediate electric field or a strong electric field requiring a low transmission power, the safe mode and the normal mode have the same code values. (See specification page 8, lines 3-5.) The Examiner's binary interpretation of the system fails to account for this instance when both safe and normal modes have the same code value. Moreover, Myllymaki neither teaches nor reasonably suggests steps a) or b) as recited in Claims 1 and 8 of the present application. Accordingly, the Examiner fails to make a prima case of obviousness. Therefore, Claims 1 and 8 were incorrectly rejected.

Miyazaki fails to cure the deficiencies of Myllymaki. Claims 1 and 8 contain novel limitations not taught, disclosed or fairly suggested by Myllymaki alone or in combination with Miyazaki. Accordingly, Claims 1 and 8 are believed to be in condition for allowance; therefore the dependent claims 2-7, 13 and 9-12, which owe their dependency upon Claim 1 and 8 respectively, are also in condition for allowance.

Accordingly, Claims 1-14 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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